

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Marian M. Liu

Applicant : Liang, Dah-Ben, et al. Confirmation No. 7809
Application No. : 09/637,764
Filed : August 10, 2000
Title : ROCK BIT WITH HARD-FACING MATERIAL INCORPORATING
SPHERICAL CAST CARBIDE PARTICLES
Grp./Div. : 3672
Examiner : William P. Neuder
Docket No. : 36912/S61

**RESPONSE TO FINAL ACTION
WITH A REQUEST FOR CONTINUED EXAMINATION**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
November 5, 2008

Commissioner:

In response to the Office Action mailed on May 5, 2008, Applicants have the following remarks:

Claims 1-4, 7-29, 31-33, 35-37 and 39-41 were rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. §251. According to the Examiner, Applicants' Amendment necessitated the new grounds of rejections presented in the Office Action. Applicants respectfully disagree.

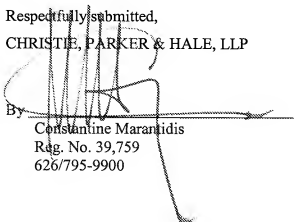
Along with the Amendment mailed by Applicants on December 9, 2005 in response to the Office Action of July 12, 2005, Applicants included Substitute Declarations for Reissue Patent Application signed by each of the inventors. In response to that Amendment, an Office

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Action was mailed on March 7, 2006, where claim 39 was rejected and claim 42 was objected. Claim 42 was dependent from claim 39. In response, Applicants mailed an Amendment on February 7, 2008, where claim 42 was cancelled and claim 39 was amended to include the limitations of claim 42. In that Amendment, there were no errors being corrected which were not covered by the Substitute Declarations filed on December 9, 2005. Thus, new Substitute Declarations are not now warranted. As such, Applicants submit that the rejections to the claims based on a defective declaration should be withdrawn.

Nevertheless, in the interest of promoting prosecution of this application, Applicants have enclosed herein a Petition Under 37 C.F.R. §1.47(a) submitting the Substitute Declarations signed by all of the joint inventors, except Mr. Zhigang Fang. Applicants kindly request that this petition, if necessary, be accepted as a full response to the pending Office Action.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
Constantine Marantidis
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626/795-9900

CM/mml

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